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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Pedro MERGIL-Vargas,

Defendant

Magistrate Docket No. 08 MJ 1738

COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326
Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **June 2, 2008** within the Southern District of California, defendant, **Pedro MERGIL-Vargas,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **3rd** DAY OF **JUNE, 2008**

Leo S. Papas
UNITED STATES MAGISTRATE JUDGE

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CONTINUATION OF COMPLAINT:
Pedro MERGIL-Vargas

PROBABLE CAUSE STATEMENT

On June 1, 2008 at approximately 1:50am, Border Patrol Agent L. Contreras responded to a call in reference to a subject heading north of the area known as "The 76 Road." This area is approximately four miles west of the San Ysidro Port of Entry and approximately two hundred yards north of the United States/Mexico International Boundary.

After walking a few hundred yards, Agent Contreras came across an individual trying to conceal himself in some brush. Agent Contreras identified himself as a United States Border Patrol Agent and questioned the individual as to his citizenship and nationality. This individual later identified as **Pedro MERGIL-Vargas**, freely admitted to being a citizen and national of Mexico without any immigration documents that would allow him to legally enter or remain in the United States.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **January 17, 2008** through **San Ysidro, California.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was read his Miranda rights, which he acknowledged and was willing to make a statement without an attorney present. The defendant stated that he was a citizen and national of Mexico without valid immigration documents to enter or remain within the United States legally. The defendant stated that he was going to Los Angeles, California.